

ANDOVER BOARD OF HEALTH
Minutes
August 23, 2010, 6:30 P.M.
1st Floor Conference Room/3rd Floor Conference Room
36 Bartlet Street

The Board of Health Meeting was called to order at 6:30 p.m. Present were Ms. Candace B. Martin, Chairman, Ms. Katherine Kellman, Clerk, and Mr. Thomas G. Carbone, Director of Public Health. Dr. Donald H. Miller, Vice-Chairman was not present due to a scheduling conflict.

I. Appointments & Hearings

- **6:30 p.m. – Glory Restaurant, 19 Essex Street – Request for Variance to Section 4.14(a) of the Sewer Regulations** – Adrienne Pappadopoulos appeared on behalf of the restaurant, and explained that they intended to reactivate a section of their restaurant that hasn't been used for a few years, and were caught by surprise when they were informed that they would need to update the grease traps in the facility. They are requesting a delay in the installation of the grease traps so that the work can be completed during next summer when their business is slowest, and to allow them to save the money needed to complete the installation.

Mr. Carbone provided a floor plan of the expanded area, and noted that there would be at least two three-bay sinks that would need to be retrofitted, but stated that he would work with the owners to minimize costs if at all possible. Mr. Carbone recommended approval of the variance.

Motion by Ms. Martin, seconded by Ms. Kellman, to approve the variance request with the following conditions:

- 1. The mechanical grease interceptor shall be installed for use by July 31, 2011.*
- 2. Installation shall occur with the benefit of a plumbing permit.*
- 3. The existing interior grease trap shall be cleaned on a monthly basis and a log of said cleaning shall be maintained on site.*
- 4. The decision letter for variance approval shall be filed at the Registry of Deeds, with the variance expiring upon the installation of the mechanical grease interceptor, unless revoked by the Board sooner.*

Unanimous approval.

II. Discussion

- **Susan Odle, 38 Michael Way** – The Board spoke briefly of what to discuss with the Selectmen concerning the request for use of Town Counsel. The Board decided to speak to the public health and safety issues, and to suggest that joint action between the Town and the Condominium Association would be beneficial.

- **70 North Main Street Condemnation Update** – The Board requested an update concerning the situation at 70 North Main Street. Mr. Carbone reported that all of the tenants were out of the building, and that Mr. Sayles was planning to sell the building as-is.

III. Suspension of Board of Health Meeting to Join Board of Selectman Meeting

Motion by Ms. Martin, seconded by Ms. Kellman, to suspend the meeting at 6:53 p.m., which would be resumed with the Board of Selectmen, and that the Board of Health Meeting would adjourn at the completion of the discussion with the Selectmen. Unanimous approval.

IV. Meeting with the Board of Selectmen

- **7:30 p.m. Susan Odle, 38 Michael Way** – The Board of Selectmen took up the issue of Susan Odle at 7:30 p.m. in the Third Floor Conference Room. Present were Selectman Lyman, Selectman Vispoli, Selectman Teichert, and Selectman Major, as well as Board of Health members, Ms. Martin, Chairman, Ms. Kellman, Clerk, and Mr. Carbone, Director of Public Health.

Ms. Martin provided some background to the Selectmen and asked for the use of Town Counsel to take action in the matter. Town Counsel Thomas Urbelis spoke to the issue of the condominium bylaws and his opinion that the association could exercise its rights under those bylaws to take its own action.

Richard Feinberg of the Abbot's Pond Condominium Association stated that the association believes that Attorney Urbelis is incorrect in his interpretation and that they have no grounds to go to court on this matter. He then read several sections of Chapter II of the State Sanitary Code.

Emelie Evans asked why the town has not filed in Housing Court, and reported that other Boards of Health do so without legal counsel. She threatened to file suit personally against Ms. Odle, and to name the Board of Health as co-defendants. She also said that if the Selectmen refused to file action, she would do so and would deliver a court order to the Police Department that would require the Board of Health to conduct the inspection.

Mr. Teichert moved to file legal action on behalf of the Board of Health; there was no second to the motion and the motion failed. Mr. Major and Ms. Lyman both stated that they felt that the condominium association needed to take action first before they would commit town funds to take legal action on this matter.

Mr. Vispoli closed the discussion stating that no action would be taken by the Board of Selectmen.

V. Adjournment

With the discussion with the Board of Selectmen being finished, the Board of Health meeting was automatically adjourned at 8:00 p.m.